

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

M.G., L.J. and F.C.,

Plaintiffs,

vs.

CIVIL NO. 13-23 MV/LFG

DAVID C. YOUNG, ROBERT
T. SMITH, JOSEPH R. HUDSON,
MICHAEL CALLAWAY, RAYMOND
D. SCHULTZ, in their individual capacities;
and CITY OF ALBUQUERQUE,

Defendants.

ORDER DENYING REQUEST FOR HEARING

THIS MATTER is before the Court on “Plaintiff’s Motion Requesting a Hearing to Determine If An Order of Contempt Should be Issued Against Defendant [David C. Young] for Violation of Court Order.” {Doc. 40]. No response is necessary.

The thrust of the motion is that the Court issued a stay of discovery as required by law due to the pendency of City Defendants’ Motion to Dismiss based on qualified immunity. While the stay was in place, attorney Rosario Vega Lynn met with Plaintiff M.G. while M.G. was confined at the Metropolitan Detention Center. The claim is that attorney Lynn’s interview of M.G. violated the Court’s Order Staying Discovery [Doc. 34]. It does not.

The Court’s order stays formal discovery, such as interrogatories, requests for admission and requests for production, as well as third-party Fed. R. Civ. P. 45 practice. It is not meant to preclude attorneys in the case from meeting with their own clients, consulting with their own experts, conducting investigations that do not impact other parties, or working to prepare their cases. Moreover, Ms. Lynn is not an attorney in this case.

The Court's stay of discovery order is not violated by another attorney in another case seeking to obtain information from the Plaintiff M.G. Because the premise of M.G.'s request is wrong, there is no need for an evidentiary hearing, and the motion is denied.

IT IS SO ORDERED.

Lorenzo F. Garcia
Lorenzo F. Garcia
United States Magistrate Judge